FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.40 OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.S.R.Shinde, APP for the State.
Mr.S.V.Kotwal, for the Respondent.

CORAM : R.S. MOHITE,J.
DATED : 02/02/2006.

P.C.

1. This is an application preferred by the State against the judgment and order passed by the Special Judge, Pune on 21.9.2005 acquitting the accused for an offence punishable under Section 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act. On perusing the impugned judgment and order, it appears that the same is based on cogent and acceptable reasons. It was the prosecution case that the accused demanded and accepted a bribe of Rs.2000/-. The bribe said to have been accepted by the accused by his own

hands and put in his left side pant pocket. The currency notes were in envelope. Anthracene powder was not found on the notes and therefore, evidence is disbelieved on the ground that no anthracene powder was found in the envelope and the pant pocket of the accused. This is major infirmity in the prosecution case. There is evidence brought through a defence witness that 7/12 extract had already been given and mutation had already been made earlier to the demand in the year 1995. In view of this matter, leave is refused and the petition is dismissed.

(R. S. MOHITE, J.)